

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department – Land Acquisition for House Sites – Krishna District – Billapadu, Village, Gudivada Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.32,57,721/- towards balance decretal charges in L.AO.P No.42 to 53 of 1985 – Orders- Issued.

SOCIAL WELFARE (Budget&LA) DEPARTMENT

G.O.RT.No. 76

Dated: 03.03.2015

Read the following

1. From the Dist Collector, Krishna Lr.Rc.No.G4/101/1992 dated 14.11.201
2. From the CSW, A.P., Hyderabad LA3/3817/2006, dated 17.01.2013.
3. From the Spl CS & CCLA, AP, Hyd , Ref No : S2/71/2013, Dt. 11.06.2013

ORDER:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the land measuring Ac. 44.57 Cts in R.S.No. 58/1, 2, 3 in Billapadu Village of Gudivada Mandal was acquired in Award No. 3/84-85, dt : 18.03.1985 by LAO for providing house sites to weaker sections. The LAO has fixed the land value @ Rs. 30,000/- per acre and the Hon'ble Subordinate Judge, Gudivada in the LAOP No. 42/85 to 53/85, dated 20/03/1991 enhanced the market value from Rs. 30,000/- to 40,000/- per acre by allowing other benefits. The Hon'ble High Court of A.P in the Appeals in AS. No. 2151/92, 137/92, 472/92, 506/92, 1250/92, 1407/92, 1873/92, 10054/92, 1798/93, 2558/93, 1403/93 & 31/93, dated 19/02/1998 and AS. No. 139/92, dated 02/09/1998 passed a common order enhancing the market value from 40,000/- to 50,000/- per acre with other benefits. The Hon'ble Supreme Court of India while allowing the Civil Appeals filed by claimants in C.A No. 1231-1242/99 & 6525/99 dated 14/09/2004 enhanced the Market Value from Rs. 50,000/- to 60,000/- per acre with other statutory benefits and dismissed the Civil Appeal filed by Government. In the mean while, an amount of Rs. 11,63,724/- was deposited in the reference Court. The Government have sanctioned an amount of Rs.36,46,933/- (including the interest calculated upto 31/12/2005), and the same was deposited in the Court on 13/08/2007.

2. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, has further stated that the E.A. Nos. 202/06 to 213/2006 filed by the then M.R.O, Gudivada were dismissed by the Reference Court on 14/08/2006 observing that the Government, is not entitled to adjust all the payments towards principal amount and that the Govt. has to calculate payments including the interest payable to the decree Holders on the compensation amount. The LAO filed CRP Nos. 330 to 338, 340 to 342, 350 to 360 of 2011 against the orders of Reference Court, contending that excess amount was deposited in the above L.A.O.Ps. The Hon'ble High Court of A.P, disposed the said CRPs on 18/02/2011 and remitted the matter to the reference Court setting aside the order of reference Court dated 14/08/2006 to decide the EPs afresh in the light of the directions issued on the LAO & RDO Vs. Koka Suryanarayana and others reported in 2010 (3) ALT 218 permitting the parties to file calculation memos afresh and directing the Reference court to decide the matter in light of the law declared by the Supreme Court of India in para 54 of the Juddgement in Guruprith Singh Vs. union of India reported in 2006 (8) SCC 457. The Hon'ble Sr. Civil Judge, Gudivada , in the order in EP.No. 31 to 42/2005 pertaining to LAOP No. 42/85 to 53/85, dt : 18/04/2012 prepared the calculations O.P. wise by calculating Interest upto 31/01/2012 and decreed that an amount of Rs. 26,72,444/- has still to be deposited in the above LAOPs. The Hon'ble High Court of AP, disposed of the Appeals filed by the LAO in common order in CRP No. 3809, 3946, 3983, 4094, 4205, 4292, 4302, 4303, 4456 & 4477/2012, dated 12/09/2012 observing that the Execution Court has made a calculation in accordance with the principles laid down by the Apex court in Guruprith Singh's Case and arrived at the amounts due by the Petitioner (LAO) as on 31/01/2012, that the impugned order does not therefore call for interference as the calculation made by the Court below is in accordance with the settled principles of law and confirmed the Decree passed by the Reference Court. Thereafter the District Collector, Krishna has submitted proposals for

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sanction of an amount of Rs.29,38,754/- towards payment of decretal charges in L.A.O.P No. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 1985 for the lands acquired to an extent of Ac.44.57 Cts in R.S. No.58/1, 2, 3 etc., in Billapadu Village Gudivada Mandal of Krishna District for providing house sites to the weaker sections.

3. After verification and scrutiny of the proposal of the District Collector, Krishna/Commissioner of Social Welfare, A.P., the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet in each O.P i.e., L.A.O.P No. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 1985 to the Government for sanction of an amount of Rs. 32,57,721/- (Rupees thirty two lakhs fifty seven thousand seven hundred and twenty one only) towards decretal charges for the lands acquired to an extent of Ac.44.57 Cts in R.S. No.58/1, 2, 3 etc., in Billapadu Village Gudivada Mandal of Krishna District for providing house sites to weaker sections, in consultation with the Law Department.

4. Government, after careful examination of the above proposal, hereby accord permission to the Director of Social Welfare, A.P., Hyderabad for release an amount of Rs. 32,57,721/- (Rupees thirty two lakhs fifty seven thousand seven hundred and twenty one only) to the District Collector, Krishna towards decretal charges in L.A.O.P No. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 1985 for the lands acquired to an extent of Ac.44.57 Cts in R.S. No.58/1, 2, 3 etc., in Billapadu Village Gudivada Mandal of Krishna District for providing house sites to weaker sections.

5. The expenditure sanctioned in para (4) above shall be met within the BE.2014-15 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

6. The Director of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Krishna, to comply with the Court orders in LAOP No. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 of 1985.

7. The District Collector, Krishna shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

8. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & Chief Commissioner
of Land Administration, A.P., Hyderabad
The Director of Social Welfare, A.P., Hyderabad,
The District Collector, Krishna

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, Krishna District.
Finance (Exp.SW/BG) Department
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER